

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AUTOMOTIVE TECHNOLOGIES)	
INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-187-GMS
)	
AMERICAN HONDA MOTOR COMPANY,)	
INC., ELESYS NORTH AMERICAN, INC.,)	
and GENERAL MOTORS CORPORATION,)	
)	
Defendants.)	

**REPLY IN SUPPORT OF DEFENDANTS' JOINT
MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)**

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I. INTRODUCTION

ATI's filing of this case in Delaware is a transparent act of forum shopping. None of the likely witnesses or relevant documents is located here, nor is Delaware the home forum of any party. ATI's justifications for selecting this forum evaporate under careful scrutiny. By any measure of convenience and justice, this case should be transferred to the Eastern District of Michigan.

ATI's efforts to distance itself from its home forum in Michigan should be viewed with a great deal of skepticism. ATI's decision to vacate its Michigan offices on the eve of this lawsuit appears to be more than coincidental. Despite its representations to the contrary, ATI still maintains an office facility in the Eastern District of Michigan, leaving one to wonder whether ATI's move into the "virtual" world is only temporary.

ATI's biggest criticism of the Eastern District of Michigan is that *all* of the likely witnesses and relevant documents are not located there. But it is the rare case where all of the witnesses and relevant documents are located in one forum, and this is not the relevant inquiry in any event. The relevant consideration is whether the comparative convenience and the interest of justice favor the Eastern District of Michigan over Delaware. About this, there can be no serious debate:

- Three of the five third-party inventors reside in the Eastern District of Michigan and thus can be compelled to appear live at trial; none reside in Delaware;
- Other potential third-party witnesses, including licensee Autoliv, reside in the Eastern District of Michigan; none reside in Delaware;
- At least nine likely party witnesses reside in the Eastern District of Michigan; none reside in Delaware;
- Many of the relevant documents are found in the Eastern District of Michigan; none are located in Delaware;

- Most of the allegedly infringing activity is centered in the Eastern District of Michigan; comparatively little occurs in Delaware;
- The accused Elesys systems are integrated into seats and incorporated into GM and Honda vehicles in and around the Eastern District of Michigan; none of this activity takes place in Delaware; and
- The Eastern District of Michigan is GM's principal place of business; none of the parties has a principal place of business in Delaware.

In the interest of convenience and justice, this case should be transferred to the Eastern District of Michigan.

II. ATI'S REASONS FOR SELECTING THIS FORUM ARE NOT CREDIBLE

ATI contends it selected this forum because ATI can save costs by litigating against all the defendants in a single forum. The flaw in ATI's argument is that all of the defendants are also subject to personal jurisdiction in the Eastern District of Michigan. ATI could have sued all the defendants there, a point raised in defendants' opening brief but ignored by ATI.¹

The other justification offered by ATI for selecting this forum is the purported inability of the Eastern District of Michigan to resolve complex cases in a timely fashion. However, ATI's data is grossly skewed because of approximately 14,000 breast implant cases in the Eastern District of Michigan that were stayed in view of a related bankruptcy proceeding. The source of ATI's data expressly warns that these breast implant cases should be excluded when used for the comparative purposes sponsored by ATI. (Tab A). Yet, despite these warnings, ATI did not exclude these cases, thereby grossly inflating the percentage of cases in the Eastern District of

¹ ATI finds it notable that Elesys and Honda do not seek to transfer this case to either Georgia or California, which are their respective states of incorporation. This is hardly surprising. Elesys and Honda recognize, as does GM, that the only logical and the most convenient forum for resolving this dispute is the Eastern District of Michigan.

Michigan over three years old. When the breast implant cases are properly excluded, the data reveals that the Eastern District of Michigan is very capable of timely disposing of complex cases.²

Equally unpersuasive are ATI's experiences with the Eastern District of Michigan. Beginning with the BMW case, ATI has only itself to blame for the sixty months it took for the court to rule against ATI in that case. ATI sued over thirty defendants that, according to ATI's counsel, comprised "virtually every automotive manufacturer OEM and numerous Tier I automotive suppliers based in the United States, Germany and Japan." (ATI Opp., Ex. 7, ¶ 3 and Tab D). Given the magnitude of the case ATI decided to file, ATI is in no position to complain about the length of time it took for the court to resolve it. With respect to the case that ATI filed against Delphi in 2004, ATI fails to inform the Court that this case was stayed because of Delphi's bankruptcy proceeding. (Tab E). And any delay in the case ATI filed against TRW was of ATI's own making. TRW was forced to file multiple motions to compel ATI to comply with its discovery obligations. (Tab F).³ Finally, ATI fails to advise the Court that the Eastern District of Michigan disposed of another patent infringement case filed by ATI against Delphi in less than eighteen months. ATI filed that case in April 2003, where the Eastern District of Michigan granted summary judgment dismissing ATI's claims with prejudice in September 2004. (Tab G).

² These approximately 14,000 breast implant cases were dismissed in October 2005. (Tab B). Excluding the breast implant cases from the 2005 data reveals that only about 15.9% of the cases pending in the Eastern District of Michigan in 2005 were more than three years old. (Tab C). This is far less than the "whopping 55.7 to 79.1 percent" represented by ATI.

³ Nevertheless, the court in the TRW case has construed the claims, received summary judgment motions of non-infringement and invalidity, and held a hearing on those motions in March 2006.

The Eastern District of Michigan has not been particularly receptive about the merits of ATI's patent infringement cases. It appears that ATI filed the current case here, not for the reasons advanced in ATI's opposition, but in the hopes of finding a more sympathetic forum. Unfortunately for ATI, although Delaware is ATI's and GM's State of Incorporation, Delaware's connection with this case ends there. *See Nilssen v. OSRAM Sylvania, Inc.*, No. 00-695-JJF, 2001 WL 34368395, at * 2 (D. Del. May 1, 2000) (defendants' contacts with Delaware described as "minimal" where defendants were incorporated in Delaware, kept a salesperson in Delaware, and sold some of its accused products in Delaware). The balance of conveniences and the interest of justice overwhelmingly overcome any deference to ATI's selection of this forum.

III. ATI CANNOT POINT TO EVEN A SINGLE WITNESS OR DOCUMENT THAT IS LOCATED IN DELAWARE

A. The Location Of The Third-Party Witnesses Favor Transfer

ATI argues that the third-party inventors, Messrs. Breed, DuVall and Johnson, do not "count" in the analysis of witness convenience, and that the focus should be on the other five inventors; Morin, Xu, Varga, Kussull, and Chen. But this gets ATI nowhere. As ATI concedes, Morin, Xu and Varga all reside in the Eastern District of Michigan. This is an extremely important factor that strongly tips the balance in favor of transferring this case in the interest of justice.

The practical impact of keeping this case in Delaware is that ATI will gain an unfair advantage. With the possible exceptions of Mr. Breed and Ms. Xu⁴, defendants will be unable to compel the attendance of any of the other inventors. ATI will have substantial control over

⁴ As ATI notes, Ms. Xu is currently employed by GM.

which of the inventor witnesses will appear at trial and those that will not.⁵ ATI can employ its control to avoid the risk of the inventors contradicting each other under the rigors of live cross-examination in front of a jury. Transferring this case to the Eastern District of Michigan, where three of the third-party inventors can be compelled to appear at trial, will level the playing field. *See Findwhat.com v. Overture Services, Inc.*, No. 02-447(MBM), 2003 WL 402649, at *5-6 (S.D.N.Y. Feb. 21, 2003) (ability to compel attendance of five non-party inventors in the transferee forum weighed in favor of transfer).⁶

ATI's suggestion that these inventor witnesses are somehow not as important as its "chief" inventor witnesses is nonsensical. These third-party inventors are named on three (not two as alleged by ATI) of the asserted patents -- namely, U.S. Patent Nos. 6,242,701; 6,397,136; and 6,757,602. As long as these three patents remain in the case, these third-party inventors are critically important. They possess information about the conception and reduction to practice of the alleged invention of at least the three patents on which they are named (and possibly about the ten other related patents in suit), the prior art, as well as information about what the other named inventors knew about the prior art. Moreover, these third-party inventors are not redundant to either each other or the other inventors. Each of the inventors is likely to have differing recollections, perceptions and knowledge about the relevant facts and events.

⁵ As demonstrated by ATI's moving papers, with the possible exception of inventor Xu, ATI has an ongoing relationship with the inventor witnesses.

⁶ ATI's suggestion that having the inventors appear live through a remote video feed is just as good as having the inventors appearing in person is misplaced for several reasons. First, defendants' trial counsel cannot be in two places at once. Second, as this Court can certainly appreciate, there is no substitute for having a witness appear live and in person at trial. That is why the location of third-party witnesses is the most important of the private interest factors, notwithstanding the possible availability of live video feeds. Finally, the use of a live video feed can create other logistical headaches.

The hearsay assurances offered through Mr. Piirainen that two of the third-party inventors (Morin and Varga) have agreed to attend a trial in Delaware ring hollow, as recognized by the precedent cited by ATI. *See Schering Corp. v. Amgen, Inc.*, 969 F. Supp. 258, 269 (D. Del. 1997) (“an assurance that a named inventor will appear at trial is not equivalent to having him subject to the subpoena power of the trial court”) (citing *Sherwood Medical Co. v. IVAC Medical Sys., Inc.*, No. 96-305-MMS, 1996 WL 700261, at *5 (D. Del. Nov. 25, 1996)). Messrs. Morin and Varga can change their minds at any time, and become unavailable on a moment’s notice.⁷ *See Nilssen*, 2001 WL 34368395 at *2 (party need not establish that third-party witness will definitely be unavailable for trial; rather, it is sufficient for purposes of the transfer analysis that the witness is not subject to the court’s subpoena power); *Affymetrix, Inc. v. Synteni, Inc.*, 28 F. Supp. 2d 192, 205 (D. Del. 1998) (“even previously cooperative witnesses may become reluctant participants where a trial in a distant state such as Delaware promises the incurrence of substantial, prolonged inconvenience”) (citing *Alcon Lab., Inc. v. Starr Surgical Co.*, Civ. A. No. 95-233, Magis Report & Rec. at 18 (D. Del. Oct. 26, 1995)).

Although ATI is correct that third-party inventor Chen is outside the subpoena power of the Eastern District of Michigan, ATI deliberately ignores that he reside less than ten miles from the courthouse in Detroit. The Eastern District of Michigan is obviously far more convenient for this third-party witness.

ATI is also incorrect when it argues that Autoliv’s Detroit office is “irrelevant.” Even if it is true, as ATI contends, that all of the “material dealings” between ATI and Autoliv took place in Sweden with Autoliv’s Swedish personnel, the court in the Eastern District of Michigan

⁷ Further raising a red flag about the reliability of these assurances is ATI’s failure to present any declarations from the inventors committing to attend a trial in Delaware.

can compel a corporate representative from Autoliv to appear live at trial. *See 3COM Corp. v. D-Link Sys., Inc.*, No. 03-014-GMS, 2003 WL 1966438, at *2 (D. Del. Apr. 23, 2003) (fact that employees of third-party Taiwanese manufacturers could be compelled to testify in the transferee forum favored transfer).

The criticisms lodged by ATI concerning defendants' identification of the third-party seat manufacturers are unfounded. At this early stage of the case, defendants cannot be expected to identify with exacting specificity *all* of the likely third-party witnesses. *See Nilssen*, 2001 WL 34368395 at *3 (identification of potential third-party witnesses by identifying their employer and the subject matter of their anticipated testimony is sufficient for purposes of the venue analysis). Defendants' purpose for explaining the process by which the Elesys systems are integrated into GM and Honda vehicles was to demonstrate that most of this activity occurs in and around the Eastern District of Michigan. As ATI itself concedes, the process by which the Elesys systems are incorporated into GM and Honda vehicles is certainly relevant. Thus, although specific individuals have not yet been identified, there is no question that the relevant witnesses from these third-party seat manufacturers are located in and around the Eastern District of Michigan. It is also a safe bet that none of them are located in Delaware.

B. The Third-Party Witnesses Manufactured By ATI Do Not Reside In Delaware

Apparently recognizing that the location of the *likely* third-party witnesses identified by defendants overwhelmingly favors transfer, ATI manufactures a long list of third-party witnesses who do not reside in the Eastern District of Michigan. A fundamental problem for ATI is that these witnesses do not reside in Delaware, but instead reside in Japan, Georgia and Illinois. Thus, even assuming their relevance for argument sake, these third-party witnesses cannot be

compelled to attend a trial in Delaware. ATI's efforts to anchor its case in Delaware based upon these non-Delaware residents is way off the mark.⁸

C. The Location of the Documents Favors Transfer

Finally, and notwithstanding ATI's arguments to the contrary, the location of the documents also favors Michigan over Delaware. Defendants' identified numerous documents that can be found in Michigan. In contrast, ATI cannot identify even a single document that is located in Delaware. This factor also favors transfer to the Eastern District of Michigan.

IV. THE LOCATION OF DEFENDANTS' PARTY WITNESSES IS RELEVANT

ATI is incorrect when it contends that the location of party witnesses carries no weight in the balance of convenience analysis. Although perhaps not relevant to the consideration of *witness* convenience, the location of party witnesses is certainly relevant to the convenience of the *parties*. It is certainly far more convenient for the parties to secure the attendance of employee witnesses at a trial held locally than one held half-way across the country. It is less disruptive to the employee-witnesses' day-to-day job responsibilities, it is less expensive for the party, and it is logistically easier to coordinate. *See, e.g., Affymetrix*, 28 F. Supp. 2d at 202-03 (transfer would minimize the level of disruption to the parties' business operations caused by trial); *Mentor Graphics Corp. v. Quickturn Design Sys., Inc.*, 77 F. Supp. 2d 505, 509 (D. Del.

⁸ Another problem for ATI is that many of the potential witnesses identified by ATI are *unlikely* to be called at trial, by either side. For example, ATI compiles a long list of third-party inventors who appear on various NEC and Honda patents that are not at issue in this case. ATI never explains the basis for its conclusion that these third-party inventors are more likely to testify about the accused products than the employee-witnesses already identified by defendants. A possible exception is Mr. Rittmueller. As noted by Mr. Rittmueller, most of the relevant development and implementation work took place in and around the Eastern District of Michigan. Notably, the Eastern District of Michigan is a more convenient forum for Mr. Rittmueller than the District of Delaware. (Tab H, Rittmueller Declaration, ¶ 5).

1999) (considering the location of the parties' employees in the convenience of the parties analysis). Even a major corporation should not be forced to incur the expense and inconvenience of litigating in a foreign jurisdiction that has a nominal connection with the lawsuit.

Also misplaced is ATI's argument that defendants have failed to explain "why" the testimony of defendants' employees will be needed at trial. As set forth in the declarations supporting defendants' motion, the Elesys witnesses located in the Eastern District of Michigan are knowledgeable about the operation and marketing of the accused Elesys systems. The GM witnesses located in the Eastern District of Michigan are knowledgeable about the operation of the Elesys system in GM vehicles. The Honda employee located in neighboring Ohio is knowledgeable about the operation of the Elesys system in Honda vehicles. The relevance of these witnesses is apparent and indisputable.

Finally, ATI's suggestion that the location of defendants' witnesses should be ignored because defendants have identified "less than ten" who reside in the Eastern District of Michigan is particularly ironic in light of ATI's inability to identify even a single witness – party or otherwise – who resides in Delaware. Not surprisingly, ATI cites no precedent for this extraordinary proposition that a party must identify ten or more witnesses in the transferee forum for this factor to be given any weight.⁹

⁹ Another factor favoring transfer is that the parties would avoid the expense of retaining separate local counsel. Defendants' lead counsel has an office in Ann Arbor, Michigan. ATI's lead counsel has an office in Southfield, Michigan. *See Affymetrix*, 28 F. Supp. 2d at 205-06 (fact that the parties would not need to retain local counsel in the transferee forum was a factor favoring transfer).

V. ATI EFFECTIVELY CONCEDES THAT THE EASTERN DISTRICT OF MICHIGAN IS A CONVENIENT FORUM FOR ATI

One of the ironies in ATI's opposition is that it asks the Court to ignore the location of defendants' employee witnesses but consider the location of ATI's employee/consultant witnesses in balancing the convenience of the parties. Setting aside the double standard ATI seeks to impose, the reality is that ATI has effectively admitted that the Eastern District of Michigan is a convenient forum for ATI. This is not a case where defendants seek to shift the inconvenience.

As acknowledged by ATI's President and CEO, ATI's contacts with the Eastern District of Michigan are so frequent and substantial that ATI has, "[a]t various times," maintained a physical office in the Metropolitan Detroit area for purposes of "convenience." (ATI's Opp., Ex. 2, ¶ 4). Under the circumstances, ATI cannot seriously contend that it would be burdensome for ATI to prosecute this action in the Eastern District of Michigan. This is further confirmed by ATI's track record of filing patent infringement suits in that forum.

In addition, and in contrast to ATI's representations, ATI continued to maintain an office facility in the Eastern District of Michigan after the filing of this suit. This is demonstrated by the photographs taken of ATI's Auburn Hills facility in May 2006, some two months after ATI filed this suit. (Tab I, Bishop Declaration).

VI. ATI OFFERS NO EXPLANATION WHY THE EASTERN DISTRICT OF MICHIGAN WAS THE MOST OBVIOUS FORUM FOR ITS PRIOR SUITS BUT NOT THE CURRENT SUIT

ATI contends that its decision to file five prior suits in the Eastern District of Michigan should be given no weight because these prior cases were filed against parties that made the Eastern District of Michigan a "more obvious forum." Yet two of the defendants in this case – Honda and GM – were parties in those prior ATI cases. (*See* Tab D, pp. 9, 12). Notably, ATI

does not even attempt to explain how the addition of Elesys, which has absolutely no connection with Delaware, suddenly makes Delaware a more obvious forum than the Eastern District of Michigan.

ATI is also mistaken when it contends that defendants can point to no common issues of law between ATI's prior cases and the current one. As explained in defendants' opening brief, the Eastern District of Michigan has previously construed claim terms in the parent '504 patent that are either the same or similar to those in the '451 patent asserted by ATI in this case. (*See* Defendants' Opening Br., pp. 10-11).

VII. ATI'S ARGUMENTS ABOUT THE PUBLIC INTERESTS ARE EITHER IRRELEVANT OR SIMPLY IGNORE THE FACTS

ATI's opposition focuses on whether GM should have anticipated being sued in Delaware, or whether GM and Honda can bear the cost of litigating here. These factors have nothing to do with the public interest factors that are relevant in the transfer analysis. ATI either ignores or distorts the relevant facts.

ATI cannot fairly rely on its recently filed new suit in Delaware against BMW, Hyundai and Kia. Each of the defendants named in ATI's new lawsuit were defendants in prior ATI litigation in the Eastern District of Michigan. (*See* Tab D, pp. 1, 14, 15). ATI's new filing may likewise be greeted by transfer motions. Moreover, the filing of its new complaint may be viewed as a cynical maneuver to create ties to Delaware. *See Sony Electronics, Inc. v. Orion, IP, L.L.C.*, No. 05-255-GMS, 2006 WL 680657, at *4 (D. Del. March 14, 2006) (Orion cannot rely on its prior Texas litigation to "bootstrap" into Texas a later litigation against different parties).

The Court should also summarily reject ATI's argument that it would make no sense to sever this case and transfer the proceeding with respect to GM back to GM's home forum in the

Eastern District of Michigan. Defendants do not seek such relief, but have requested that the entire case against all of the defendants be transferred to the Eastern District of Michigan.

Delaware does not have any compelling interest in this dispute. Although GM and Honda both sell automobiles in Delaware, ATI does not contend that Delaware sees more than its expected share of the nationwide sale of GM and Honda automobiles. *See Nilssen*, 2001 WL 34368395 at *2 n.4 (because defendants' accused products are sold nationwide, Delaware does not have any special "connection" with the case by virtue of the sale of accused products in Delaware). In contrast, ATI cannot dispute that substantially all of the activity leading up to the placement of the accused Elesys systems in GM and Honda automobiles can be traced back to the Eastern District of Michigan. This is where the accused Elesys systems are calibrated, tested, marketed and most of the systems are sold.

In a final misguided effort to deny the heightened interest that the Eastern District of Michigan has in this case, ATI argues that (1) Detroit is not the hub of the automotive industry and (2) ATI's so-called technology is not directed at the automotive industry. These contentions are belied by ATI's own conduct and the statements of its President and CEO. Every patent lawsuit filed by ATI has been against automobile manufacturers and/or the suppliers to these manufacturers. And Mr. Breed himself characterizes ATI's technology as relating to "next-generation auto safety products." (ATI's Opp., Ex. 2, ¶ 3). In addition, and as noted above, ATI has maintained an office in the Detroit area from which to market, promote and test its auto safety products. The obvious reason ATI spends so much time in Detroit is because it is the hub of the U.S. automotive industry.

VIII. CONCLUSION

The balance of conveniences and the interest of justice overwhelmingly favor transferring this case to the Eastern District of Michigan.

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2006, I caused to be electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard K. Herrmann, Esquire
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Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on June 28, 2006 upon the following individuals in the manner indicated:

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TAB A

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

12-MONTH PERIOD ENDING
SEPTEMBER 30

MICHIGAN EASTERN			2005	2004	2003	2002	2001	2000	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		6,403	5,679	5,843	5,706	5,432	6,294	U.S.	Circuit
	Terminations		5,796	5,534	5,400	5,585	5,416	6,771		
	Pending		20,731	20,097	19,876	19,441	19,342	19,373		
	% Change in Total Filings	Over Last Year	12.7						7	1
		Over Earlier Years		9.6	12.2	17.9	1.7	47	5	
	Number of Judgeships		15	15	15	15	15			
	Vacant Judgeship Months**		36.0	27.5	24.0	24.0	20.0	18.1		
ACTIONS PER JUDGESHIP		Total	427	379	389	380	362	420	54	5
		Civil	375	325	329	327	329	387	39	4
	FILINGS	Criminal Felony	36	40	45	40	33	33	85	9
		Supervised Release Hearings**	16	14	15	13	-	-	57	9
	Pending Cases		1,382	1,340	1,325	1,296	1,289	1,292	2	1
MEDIAN TIMES (months)	Weighted Filings**		431	406	426	404	387	396	58	8
	Terminations		386	369	360	372	361	451	69	9
	Trials Completed		11	12	11	13	13	11	81	7
	From Filing to Disposition	Criminal Felony	13.0	11.4	9.8	11.0	11.4	10.1	90	9
		Civil**	9.9	9.7	9.7	9.4	9.4	9.7	50	3
	From Filing to Trial** (Civil Only)		22.0	22.0	23.8	21.0	21.7	20.5	36	2
	Civil Cases Over 3 Years Old**	Number	14,935	14,923	14,876	14,857	14,763	10,456		
Percentage		75.1	77.5	77.8	79.1	78.7	55.7	93	9	
OTHER	Average Number of Felony Defendants Filed Per Case		1.6	1.6	1.5	1.6	1.8	1.9		
	Jurors	Avg. Present for Jury Selection	57.80	56.08	61.29	44.52	38.79	39.34		
		Percent Not Selected or Challenged	51.4	44.4	52.4	44.0	38.0	42.1		

2005 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	5625	260	689	1006	84	74	636	953	324	208	858	8	525
Criminal*	537	41	144	40	124	78	27	15	18	8	11	17	14

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

EXPLANATION OF SELECTED TERMS

Vacant Judgeship Months

"Vacant judgeship months" is the total number of months that vacancies occurred in any judgeship position in a circuit or district. On September 30, 2005, a total of 36 vacancies existed in the district courts, and 12 vacancies existed in the U.S. courts of appeals (excluding the Federal Circuit). In November 2004, one temporary judgeship lapsed in the Eastern District of California. Although the loss occurred during the 12-month period, per-judgeship calculations for the entire year were made using the reduced number of judgeship authorizations.

Visiting Judge Activity

Court profiles for both the courts of appeals and district courts reflect only caseloads within the circuit/district; the profiles do not address visiting judge activity in other circuits/districts. Detailed data on visiting judge activity can be found in Tables V-1 and V-2 of *Judicial Business of the United States Courts*.

Supervised Release Hearings

Beginning with *2002 Federal Court Management Statistics*, data on hearings on violations of supervised release are included in the district court profiles. These hearings, which are conducted when defendants violate the terms of supervised release, can result in the modification of conditions or the revocation of supervised release. In addition to providing data for the category of supervised release hearings filed per authorized judgeship, data on supervised release hearings are included in the totals for overall filings and terminations, filings and terminations per authorized judgeship, and weighted filings per authorized judgeship. These changes to the district court profiles were approved by the Judicial Conference Subcommittee on Judicial Statistics.

Weighted Filings

Weighted filings statistics account for the different amounts of time district judges require to resolve various types of civil and criminal actions. The federal Judiciary has employed techniques for assigning weights to cases since 1946. In 2004, the Judicial Resources Committee of the Judicial Conference of the United States approved a new civil and criminal case weighting system proposed by the Federal Judicial Center. On a national basis, weighted filings did not change significantly after the implementation of the new case weights. More than two-thirds of all district courts saw their weighted filings change by 10 percent or less. Average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death-penalty habeas corpus case is assigned a weight of 12.89); and cases demanding relatively little time from judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.031). Probation revocation hearings (both evidentiary and non-evidentiary) are included as part of the weighted filings statistics. For comparative analysis in this report, the totals for weighted civil and criminal filings for prior years have been revised based on the new case weighting system. The weighted totals for criminal defendants include reopenings and transfers. Data on civil cases arising by reopening, remand, and transfer to the district by order of the Judicial Panel on Multidistrict Litigation are not included among the totals for weighted filings.

Median Times: Civil

"Median times" are the median time intervals between the filing of cases and their disposition. Civil median times exclude data for civil cases involving land condemnation, prisoner petitions, deportation reviews, recovery of overpayments, and enforcements of judgments. Because courts can quickly process cases involving the recovery of overpayments (which primarily address veterans' benefits) and enforcements of judgments (which primarily address student loans), including data on these cases would shorten the civil median times for some courts to the point of giving an inaccurate impression of the time usually required to process a case in the federal courts.

Median Times: From Filing to Trial

The median time for civil cases from filing to trial is calculated from the date a case was filed to the date trial began. For any reopened civil case resulting in a second completed trial, the median time remains based on the original filing date and the date the trial was completed.

Civil Cases Over Three Years Old

Data for cases pending three years or more may not match those presented in the Civil Justice Reform Act (CJRA) reports because the profiles presented herein include data for cases on appeal in other courts (i.e., the Supreme Court, courts of appeals, other district courts, and state courts), whereas the CJRA reporting guidelines exclude such data. From 2000 to 2005, data for the Eastern District of Michigan included between 10,000 and 14,000 silicone breast implant cases assigned to one district judge that technically were pending, but effectively were stayed pending the resolution of an appeal in a related bankruptcy matter. On October 6, 2005, an order dismissed the 14,000 breast implant cases pursuant to the In re Dow Corning Corporation Bankruptcy Joint Amended Plan of Reorganization which went into effect on June 1, 2004. Since 1999, the three-year-old civil pending caseload in the Middle District of Louisiana has included more than 7,000 cases related to oil refinery explosions. For comparative purposes, any statistical average should exclude these cases.

Civil and Criminal Felony Filings by Nature of Suit/Offense

Prior to 2005, alphabetical codes corresponded to different offenses and natures of suit. Therefore, data for 2005 and thereafter are not comparable to data for earlier years.

TAB B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
OCT 06 2005
CLERK'S OFFICE
DETROIT

)	Civil Action No. 00-CV-00001
)	(Litigation Facility Matters)
In re:)	
)	Civil Action No. 00-CV-00005
)	(Settlement Facility Matters)
DOW CORNING LITIGATION.)	
)	HON. DENISE PAGE HOOD
)	

**ORDER DISMISSING CASES AGAINST
DOW CHEMICAL CO. AND CORNING INCORPORATED**

On June 1, 2004, the Amended Joint Plan of Reorganization in the *In re Dow Corning Corporation* bankruptcy action, E.D. Mich. Bankruptcy Court Case No. 95-20512, went into effect. The Plan governs the resolution of the cases against Dow Chemical Co., et al. relating to the claims which were before the Bankruptcy Court. It is noted that the Election Deadline to elect to settle a claim through the Settlement Facility or to litigate a claim against the Litigation Facility was November 29, 2004. Claimants were required to file a Notice of Intent to Litigate/Claimant Questionnaire by February 28, 2005. The Court has entered various Case Management Orders governing the resolution of the claims to be litigated found in Case No. 00-00001.

In an Opinion dated May 8, 1997, the Sixth Circuit Court of Appeals issued a Writ of Mandamus ordering the district court "to transfer the claims against Dow Chemical and Corning Incorporated to the Eastern District of Michigan." *In re Dow Corning Corp.*, 113 F.3d 565, 572 (6th Cir. 1997). Approximately 14,000 cases with claims against Dow Chemical and Corning Inc. have been transferred pursuant to the Sixth Circuit's Order. Although there may have been other

defendants in these cases, only the claims against Dow Chemical and Corning Inc. were transferred to this Court, pursuant to the Sixth Circuit's Writ of Mandamus. The individual cases against Dow Chemical Co. and Corning Inc. filed in this District must now be dismissed, pursuant to the Amended Joint Plan of Reorganization, specifically, § 8.4 of the Plan ("on the Effective Date all Persons who have held, hold, or may hold Released Claims, whether known or unknown, and their respective agents, attorneys, and all others acting for or on their behalf, *shall be permanently enjoined on and after the Effective Date* from (a) commencing or continuing in any manner, any action or any other proceeding of any kind with respect to any Released Claims against the Debtor-Affiliated Parties, the Shareholder-Affiliated Parties, ...") (Plan, § 8.4) Any Non-Settling Personal Injury Claimant may continue or commence an action *against the Litigation Facility* in accordance with the Litigation Facility Agreement. (Plan, § 8.4)

Accordingly,

IT IS ORDERED that the cases against Dow Chemical Co. and Corning, Inc. set forth in the attached list to this Order are DISMISSED with prejudice. However, if a plaintiff in any of the listed cases has elected to continue to litigate any claims as a Non-Settling Personal Injury Claimant against the Litigation Facility, those claims are DISMISSED without prejudice.


 /s/ DENISE PAGE HOOD
 DENISE PAGE HOOD

DATED:

OCT 06 2005

TAB C

Explanation of ED Michigan statistics regarding number and percentage of civil cases over three years old (excluding the implant cases)

Statistics from the Judicial Caseload Profile Report

Number of civil cases over 3 years old = 14,935 (includes breast implant cases)

Percentage of civil cases over 3 years old = 75.1% (included breast implant cases)

Statistic from the Order Dismissing the case against Dow Chemical

Number of pending breast implant cases = approximately 14,000

1) Number of civil cases over 3 years old (excluding implant cases) = 935

$$14,935 \text{ (Civil cases over 3 years old)} - 14,000 \text{ (implant cases)} = 935$$

2) Percentage of civil cases over 3 years old (excluding implant cases) = 15.9%

$$\frac{935 \text{ (Civil cases over 3 years old - excluding implant cases)}}{19,886 * \text{ (Total number of pending civil cases) - 14,000 (implant cases)}} = .159(15.9\%)$$

$$* \text{ Total number of pending civil cases} = \frac{14,935 \text{ (civil cases over 3 years old)}}{.751 \text{ (Percentage of civil cases over 3 years old)}} = 19,886$$

TAB D

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:01-cv-71700-RHC-TAC**

Auto Tech Intl v. BMW N Amer Inc, et al
Assigned to: Judge Robert H Cleland
Referred to: Honorable Thomas A Carlson
Demand: \$75,000
Cause: No cause code entered

Date Filed: 05/02/2001
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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akochanowski@sommerspc.com
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ATTORNEY TO BE NOTICED

V.

Defendant

**BMW of North America,
Incorporated**
a Delaware Corporation
TERMINATED: 11/25/2003

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TERMINATED: 04/04/2003

ATTORNEY TO BE NOTICED

Defendant

DaimlerChrysler Corporation

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Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Defendant

Daimler Chrysler AG
a German Corporation
Doing business as

represented by **Kathleen A. Lang**
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LEAD ATTORNEY

Dodge
Doing business as
Chrysler Motors Corporation
Doing business as
Mercedes-Benz USA,
Incorporated

ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

**Denso International America,
Incorporated**
TERMINATED: 11/04/2004

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Defendant

**Denso Manufacturing Michigan,
Incorporated**

TERMINATED: 10/08/2001

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(See above for address)

TERMINATED: 10/08/2001

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Ford Motor Company

Doing business as

Jaguar

Doing business as

Lincoln

Doing business as

Mercury

Doing business as

Ford

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Defendant

Fuji Heavy Industries, Limited
TERMINATED: 06/02/2005

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Subaru

TERMINATED: 06/02/2005

Doing business as

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TERMINATED: 06/02/2005

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Buick

Doing business as

Cadillac Motors

Doing business as

Chevrolet

Doing business as

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Defendant

**Honda Motor Company,
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Defendant

**Honda North America,
Incorporated**
a California Corporation
TERMINATED: 10/09/2001

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TERMINATED: 10/09/2001
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Defendant

**American Honda Motor
Company, Incorporated**
a California Corporation
Doing business as
Acura
Doing business as
Honda

represented by **Drew M. Wintringham, III**
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Defendant

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William B. Dyer, III
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Defendant

**Kia Motors America,
Incorporated**
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TERMINATED: 09/26/2002

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TERMINATED: 01/07/2005

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Mitsubishi Motor Sales of
America, Incorporated**
a California Corporation
TERMINATED: 02/04/2004

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James W. Stuart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Mitsubishi Motor
Manufacturing of America,
Incorporated**
an Illinois Corporation
TERMINATED: 02/04/2004

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James W. Stuart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Nissan North America,
Incorporated**
a California Corporation

represented by **Christopher L. Kerr**
Kerr, Russell, (Detroit)
500 Woodward Avenue
Suite 2500
Detroit, MI 48226-3406
313-961-0200
Email: clk@krwlaw.com
TERMINATED: 09/23/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Edward C. Cutlip, Jr.
Kerr, Russell, (Detroit)
500 Woodward Avenue
Suite 2500
Detroit, MI 48226-3406
313-961-0200
Email: ecc@krwlaw.com
TERMINATED: 09/23/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John J. Feldhaus
Foley & Lardner (Washington)
3000 K Street, N.W.
Suite 500
Washington, DC 20007-5109
202-672-5413
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John A. VanOphem
Foley & Lardner (Detroit)
500 Woodward Avenue
Suite 2700
Detroit, MI 48226-3489
313-234-7100
Email: jvanophem@foley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth G. Schuler
Latham & Watkins
Sears Tower
Suite 5800
Chicago, IL 60606
312-876-7700
Fax: 312-876-7700
TERMINATED: 09/23/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Siegmund Y. Gutman
Latham & Watkins
233 S. Wacker Drive
Suite 5800
Chicago, IL 60606
312-876-7700
Fax: 312-876-7700
TERMINATED: 09/23/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Kopp
Foley & Lardner (Detroit)
500 Woodward Avenue
Suite 2700
Detroit, MI 48226-3489
313-234-7100
Email: jkopp@foley.com
ATTORNEY TO BE NOTICED

Defendant

**6/3/2004 Nissan Motors
Manufacturing Corporation**
a Delaware Corporation
TERMINATED: 06/03/2004
Doing business as
Nissan
Doing business as
Infinity

represented by **Edward C. Cutlip, Jr.**
(See above for address)
TERMINATED: 10/02/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth G. Schuler
(See above for address)
TERMINATED: 10/02/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Siegmund Y. Gutman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Kopp

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Porsche Cars North America,
Incorporated**
a Delaware Corporation

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Boyd T. Cloern
(See above for address)
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Saab Automotive AB
a Swedish Corporation

represented by **Kathleen A. Lang**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Saab Cars USA, Incorporated
a Georgia Corporation

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Boyd T. Cloern
(See above for address)
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Siemens Automotive
Corporation**

represented by **Allen A. Arntsen**
Foley & Lardner

a Delaware Corporation

150 E. Gilman Street
P.O. Box 1497
Madison, WI 53701-1497
608-257-5035
Fax: 608-257-5035
TERMINATED: 08/01/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Boyd T. Cloern
(See above for address)
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Toyota Motor Corporate Service
of North America, Incorporated**
a New York Corporation
TERMINATED: 06/22/2001

represented by **Kathleen A. Lang**
(See above for address)
TERMINATED: 06/22/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Toyota Motor Sales, USA,
Incorporated**
Doing business as
Toyota

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Boyd T. Cloern
(See above for address)
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Temic Corporation
a German Corporation
TERMINATED: 10/09/2001

represented by **Kathleen A. Lang**
(See above for address)
TERMINATED: 10/09/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Temic Automotive of North America, Incorporated
a Delaware Corporation

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Volkswagen of America
a New Jersey Corporation
Doing business as
Audi AG
Doing business as
Audi of North America,
Incorporated
Doing business as
Volkswagen

represented by **Anthony G. Arnone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kim J. Sveska
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger D. Taylor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Dyer, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Volvo Cars of North America,

represented by **Drew M. Wintringham, III**

Incorporated

a Delaware Corporation

TERMINATED: 01/13/2005

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joel N. Bock

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kathleen A. Lang

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth A. Gallo

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Leora Ben-Ami

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Boyd T. Cloern

(See above for address)

ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.

(See above for address)

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

**Mitsubishi Motors North
America, Incorporated**

TERMINATED: 01/07/2005

other

Mitsubishi Motor Sales of
America

TERMINATED: 01/07/2005

other

represented by **Charles Gorenstein**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James W. Stuart

(See above for address)

LEAD ATTORNEY

Mitsubishi Motor Manufacturing
of America, Incorporated
TERMINATED: 01/07/2005

ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Mitsubishi Motor
Manufacturing of America,
Incorporated**

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Mitsubishi Motor Sales of
America, Incorporated**

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Automotive Technologies

represented by **Andrew Kochanowski**

International

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Mitsubishi Motor Sales of
America, Incorporated**

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Nissan Motors Manufacturing
Corporation**
Doing business as
Nissan
Doing business as
Infinity

represented by **Edward C. Cutlip, Jr.**
(See above for address)
TERMINATED: 10/02/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth G. Schuler

(See above for address)

TERMINATED: 10/02/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Siegmund Y. Gutman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jeffrey S. Kopp

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

**Nissan North America,
Incorporated**

represented by **Edward C. Cutlip, Jr.**

(See above for address)

TERMINATED: 09/23/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kathleen A. Lang

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth G. Schuler

(See above for address)

TERMINATED: 09/23/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Siegmund Y. Gutman

(See above for address)

TERMINATED: 09/23/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jerald N. Aaron

185 Oakland Avenue

Suite 260

Birmingham, MI 49009

248-594-1900
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

General Motors Corporation

Doing business as
Buick

Doing business as
Cadillac Motors

Doing business as
Chevrolet

Doing business as
GMC Truck and Coach

Doing business as
Oldsmobile

Doing business as
Pontiac

represented by **Charles W. Shifley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Hyundai Motor Company

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Denso International America,
Incorporated**

TERMINATED: 10/09/2001

represented by **Kathleen A. Lang**
(See above for address)
TERMINATED: 10/09/2001
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
TERMINATED: 10/09/2001
ATTORNEY TO BE NOTICED

Counter Claimant

**Bosch Automotive Motors
System Corporation**

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marjory G. Basile
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**DaimlerChrysler Motors
Corporation**

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

DaimlerChrysler Corporation

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Ford Motor Company

Doing business as

Jaguar

Doing business as

Lincoln

Doing business as

Mercury

Doing business as

Ford

represented by **Kathleen A. Lang**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

Subaru of America,

Incorporated

TERMINATED: 06/02/2005

Doing business as

Subaru

TERMINATED: 06/02/2005

Doing business as

Isuzu Automotive, Incorporated

TERMINATED: 06/02/2005

represented by **Kathleen A. Lang**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

American Honda Motor

Company, Incorporated

Doing business as

Acura

Doing business as

Honda

represented by **Kathleen A. Lang**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

Hyundai Motor America

represented by **James Sukkar**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kathleen A. Lang

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Mazda Motor of America,
Incorporated**
Doing business as
Mazda North American
Operations

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Porsche Cars North America,
Incorporated**

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Saab Cars USA, Incorporated

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Siemens Automotive
Corporation**

represented by **Allen A. Arntsen**
(See above for address)
TERMINATED: 08/01/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Toyota Motor Sales, USA,
Incorporated**
*Doing business as
Toyota*

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Volvo Cars of North America,
Incorporated**
TERMINATED: 01/13/2005

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Kia Motors America,
Incorporated**

represented by **Anthony G. Arnone**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger D. Taylor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**BMW of North America,
Incorporated**
TERMINATED: 11/25/2003

represented by **Anthony G. Arnone**
(See above for address)
TERMINATED: 11/25/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
TERMINATED: 11/25/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger D. Taylor
(See above for address)
TERMINATED: 11/25/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Volkswagen of America
Doing business as
Audi AG
Doing business as
Audi of North America,
Incorporated
Doing business as
Volkswagen

represented by **Anthony G. Arnone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger D. Taylor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Kia Motors Corporation

represented by **Andrew C. Sonu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony G. Arnone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kim J. Sveska
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger D. Taylor
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Dyer, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Fuji Heavy Industries, Limited
TERMINATED: 06/02/2005

represented by **Boyd T. Cloern**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Mitsubishi Motors Corporation
TERMINATED: 01/07/2005

represented by **Charles Gorenstein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James W. Stuart
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Honda Motor Company,
Limited**

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Calsonic Kansei Corporation

represented by **John J. Feldhaus**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John A. VanOphem
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott T. Seabolt
Foley & Lardner (Detroit)
500 Woodward Avenue
Suite 2700

Detroit, MI 48226-3489
313-234-7100
Fax: 313-234-2800
Email: sseabolt@foley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Kopp
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Conti TEMIC Microelectronic,
GMBH**

Defendant

CK Electronics, Incorporated

Defendant

Delphi Auto Sys

represented by **Binal Patel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Boyd T. Cloern
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Denso Corporation
TERMINATED: 11/04/2004

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Hyundai Autonet Company,
Limited**
TERMINATED: 09/26/2002

represented by **Anthony G. Arnone**
(See above for address)
TERMINATED: 09/26/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kim J. Sveska
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TERMINATED: 09/26/2002
LEAD ATTORNEY
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Defendant

Mitsubishi Electric Corporation
TERMINATED: 01/07/2005

represented by **Donald R. Harris**
One IBM Plaza
Suite 4700
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312-222-9350
Fax: 312-222-9350
LEAD ATTORNEY
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James W. Stuart
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Defendant

**NEC Technologies,
Incorporated**
TERMINATED: 10/22/2002

represented by **Boyd T. Cloern**
(See above for address)
TERMINATED: 10/22/2002
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Drew M. Wintringham, III
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Frank C. Cimino, Jr.
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Joel N. Bock
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TERMINATED: 10/22/2002
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Kenneth A. Gallo
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TERMINATED: 10/22/2002
LEAD ATTORNEY
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Leora Ben-Ami
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TERMINATED: 10/22/2002
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Defendant

Siemens AG

represented by **Drew M. Wintringham, III**
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Kathleen A. Lang
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ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Defendant

**Siemens Automotive Systems
Corporation**
TERMINATED: 09/25/2002

Defendant

Siemens Automotive SA
TERMINATED: 09/25/2002

Defendant

TK Electronics, Incorporated

represented by **Boyd T. Cloern**
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Kathleen A. Lang
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Defendant

TRW Automotive U. S., L. L. C. represented by **Boyd T. Cloern**
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Defendant

Visteon Corporation
TERMINATED: 06/30/2005

represented by **Boyd T. Cloern**
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Counter Claimant

Calsonic Kansei Corporation

represented by **John A. VanOphem**
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LEAD ATTORNEY
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Scott T. Seabolt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Mitsubishi Motors Corporation
TERMINATED: 01/07/2005

represented by **Charles Gorenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James W. Stuart
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LEAD ATTORNEY
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Terrell C. Birch
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Mitsubishi Motor
Manufacturing of America,
Incorporated**

represented by **Charles Gorenstein**
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LEAD ATTORNEY
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James W. Stuart
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ATTORNEY TO BE NOTICED

Terrell C. Birch
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ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Mitsubishi Motor Sales of
America, Incorporated**

represented by **Charles Gorenstein**
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James W. Stuart
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrell C. Birch
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LEAD ATTORNEY
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V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
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Counter Claimant

**BMW of North America,
Incorporated**
TERMINATED: 11/25/2003

represented by **Anthony G. Arnone**
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TERMINATED: 11/25/2003
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Kim J. Sveska
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William B. Dyer, III
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TERMINATED: 11/25/2003
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Volkswagen of America
Doing business as
Audi AG
Doing business as
Audi of North America,
Incorporated
Doing business as
Volkswagen

represented by **Anthony G. Arnone**
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LEAD ATTORNEY
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Kathleen A. Lang
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William B. Dyer, III
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V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Claimant

**Kia Motors America,
Incorporated**

represented by **Andrew C. Sonu**
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Anthony G. Arnone
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V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
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Counter Claimant

Kia Motors Corporation
TERMINATED: 09/26/2002

represented by **Andrew C. Sonu**
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TERMINATED: 09/26/2002
LEAD ATTORNEY
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Anthony G. Arnone
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TERMINATED: 09/26/2002
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TERMINATED: 09/26/2002
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ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**DaimlerChrysler Motors
Corporation**

represented by **Boyd T. Cloern**
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Drew M. Wintringham, III
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Leora Ben-Ami
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Michelle Thurber Czapski
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Counter Claimant

DaimlerChrysler Corporation

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Michelle Thurber Czapski
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Counter Claimant

Delphi Auto Sys

represented by **Boyd T. Cloern**
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Leora Ben-Ami
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LEAD ATTORNEY
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Counter Claimant

**Denso International America,
Incorporated**
TERMINATED: 11/04/2004

represented by **Drew M. Wintringham, III**
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Frank C. Cimino, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

Ford Motor Company

Doing business as

Jaguar

Doing business as

Lincoln

Doing business as

Mercury

Doing business as

Ford

represented by **Drew M. Wintringham, III**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joel N. Bock

(See above for address)

LEAD ATTORNEY

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Kathleen A. Lang

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LEAD ATTORNEY

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Kenneth A. Gallo

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LEAD ATTORNEY

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Leora Ben-Ami

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Boyd T. Cloern

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ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.

(See above for address)

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

Fuji Heavy Industries, Limited

TERMINATED: 06/02/2005

represented by **Boyd T. Cloern**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
(See above for address)
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Frank C. Cimino, Jr.
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Joel N. Bock
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Kathleen A. Lang
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Kenneth A. Gallo
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LEAD ATTORNEY
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Michelle Thurber Czapski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Subaru of America,
Incorporated**
TERMINATED: 06/02/2005
Doing business as
Subaru
TERMINATED: 06/02/2005
Doing business as

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)

Isuzu Automotive, Incorporated
TERMINATED: 06/02/2005

LEAD ATTORNEY
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Kathleen A. Lang
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

General Motors Corporation
Doing business as
Buick
Doing business as
Cadillac Motors
Doing business as
Chevrolet
Doing business as
GMC Truck and Coach
Doing business as
Oldsmobile
Doing business as
Pontiac

represented by **Charles W. Shifley**
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LEAD ATTORNEY
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Drew M. Wintringham, III
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

**Honda Motor Company,
Limited**

represented by **Boyd T. Cloern**
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LEAD ATTORNEY
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Drew M. Wintringham, III
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Michelle Thurber Czapski
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**American Honda Motor
Company, Incorporated**
Doing business as
Acura
Doing business as
Honda

represented by **Drew M. Wintringham, III**
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LEAD ATTORNEY
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Joel N. Bock
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
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Counter Claimant

Hyundai Motor Company

represented by **Drew M. Wintringham, III**
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Joel N. Bock
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Michelle Thurber Czapski
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Counter Claimant

Hyundai Motor America

represented by **Drew M. Wintringham, III**
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LEAD ATTORNEY
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James Sukkar
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

**Mazda Motor of America,
Incorporated**
Doing business as
Mazda North American
Operations

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
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Frank C. Cimino, Jr.
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ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

**NEC Technologies,
Incorporated**

TERMINATED: 10/22/2002

represented by **Boyd T. Cloern**

(See above for address)

TERMINATED: 10/22/2002

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Drew M. Wintringham, III

(See above for address)

TERMINATED: 10/22/2002

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.

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TERMINATED: 10/22/2002

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ATTORNEY TO BE NOTICED

Joel N. Bock

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TERMINATED: 10/22/2002

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Kenneth A. Gallo

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TERMINATED: 10/22/2002

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Leora Ben-Ami

(See above for address)

TERMINATED: 10/22/2002

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Claimant

**Porsche Cars North America,
Incorporated**

represented by **Drew M. Wintringham, III**

(See above for address)

LEAD ATTORNEY

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Joel N. Bock
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

Saab Cars USA, Incorporated

represented by **Drew M. Wintringham, III**
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LEAD ATTORNEY
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Joel N. Bock
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Frank C. Cimino, Jr.
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Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

**Siemens Automotive
Corporation**

represented by **Allen A. Arntsen**
(See above for address)
TERMINATED: 08/01/2001
LEAD ATTORNEY
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Drew M. Wintringham, III
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Joel N. Bock
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Kenneth A. Gallo
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Leora Ben-Ami
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LEAD ATTORNEY
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Boyd T. Cloern
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ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
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ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

Counter Claimant

TK Electronics, Incorporated

represented by **Boyd T. Cloern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
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Frank C. Cimino, Jr.
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Joel N. Bock
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Kenneth A. Gallo
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Toyota Motor Sales, USA,
Incorporated**
Doing business as
Toyota

represented by **Drew M. Wintringham, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
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ATTORNEY TO BE NOTICED

Boyd T. Cloern
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ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
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ATTORNEY TO BE NOTICED

Michelle Thurber Czapski

(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

TRW Automotive U. S., L. L. C. represented by **Boyd T. Cloern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leora Ben-Ami
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Visteon Corporation
TERMINATED: 06/30/2005

represented by **Boyd T. Cloern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Drew M. Wintringham, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank C. Cimino, Jr.
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Joel N. Bock
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ATTORNEY TO BE NOTICED

Leora Ben-Ami
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Volvo Cars of North America,
Incorporated**
TERMINATED: 01/13/2005

represented by **Drew M. Wintringham, III**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel N. Bock
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ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Gallo
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Leora Ben-Ami
(See above for address)
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Boyd T. Cloern
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Frank C. Cimino, Jr.
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ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
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ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Siemens AG

represented by **Drew M. Wintringham, III**
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ATTORNEY TO BE NOTICED

Joel N. Bock
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Leora Ben-Ami
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
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V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Nissan Motors Manufacturing
Corporation**
Doing business as
Nissan
Doing business as
Infinity

represented by **Edward C. Cutlip, Jr.**
(See above for address)
TERMINATED: 10/02/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey S. Kopp
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John A. VanOphem
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth G. Schuler
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TERMINATED: 10/02/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Siegmund Y. Gutman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Nissan North America,
Incorporated**

represented by **Edward C. Cutlip, Jr.**
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TERMINATED: 09/23/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen A. Lang
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth G. Schuler
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TERMINATED: 09/23/2003
LEAD ATTORNEY
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Siegmund Y. Gutman
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TERMINATED: 09/23/2003
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ATTORNEY TO BE NOTICED

Jerald N. Aaron
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ATTORNEY TO BE NOTICED

Counter Claimant

Mitsubishi Electric Corporation
TERMINATED: 01/07/2005

represented by **Donald R. Harris**
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ATTORNEY TO BE NOTICED

James W. Stuart
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Hyundai Autonet Company,
Limited**
TERMINATED: 09/26/2002

represented by **Anthony G. Arnone**
(See above for address)
TERMINATED: 09/26/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kim J. Sveska
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TERMINATED: 09/26/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Denso Corporation
TERMINATED: 11/04/2004

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Daimler Chrysler AG
Doing business as
Dodge

represented by **Kathleen A. Lang**
(See above for address)
LEAD ATTORNEY

Doing business as
Chrysler Motors Corporation
Doing business as
Mercedes-Benz USA,
Incorporated

ATTORNEY TO BE NOTICED

Michelle Thurber Czapski
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/02/2001	1	COMPLAINT; jury demand - Receipt # 417495 - Date Fee Received: 5/2/01 (cm) (Entered: 05/11/2001)
05/18/2001	2	SUMMONS' returned executed by process service on 5/10/01 - answer due 5/30/01 for BMW N Amer Inc, Bosch Auto Mtr Sys, Gen Mtr Corp (Buick), Honda N Amer Inc, and Amer Honda Mtr Co (cm) (Entered: 05/25/2001)
05/18/2001	3	SUMMONS' returned executed by process service on 5/10/01 - answer due 5/30/01 for Gen Mtr Corp (Cadillac), DaimlerChrysler Mtr, Gen Mtr Corp (Trk and Coach), Honda N Amer Inc, and Kia Mtr Amer Inc (cm) (Entered: 05/25/2001)
05/18/2001	4	SUMMONS returned executed by process service on 5/10/01 - answer due 5/30/01 for Mazda Mtr Amer Inc (Mazda N Amer Corp) (cm) (Entered: 05/25/2001)
05/18/2001	5	SUMMONS' returned executed by process service on 5/10/01 - answer due 5/30/01 for Mitsubishi Mtr Sales, Nissan Mtr Mfg Corp, Gen Mtr Corp (Oldsmobile), Porsche Cars N Amer, and Siemens Auto Corp (cm) (Entered: 05/25/2001)
05/18/2001	6	SUMMONS' returned executed by process service on 5/10/01 - answer due 5/30/01 for Gen Mtr Corp (Pontiac), Subaru Amer Inc, Toyota Mtr Corp Svc, Daimler Chrysler Corp, and Temic Corp (cm) (Entered: 05/25/2001)
05/18/2001	7	SUMMONS' returned executed by process service on 5/10/01 -

		International re <u>246</u> Order, <u>402</u> Stipulated Order Dismissing Case and <u>302</u> Order. Receipt No: 532009 - Fee: \$ 255 - Fee Status: Fee Paid. (LBeh,) (Entered: 10/06/2005)
10/06/2005	<u>404</u>	Certificate of Service re 403 Federal Circuit Notice of Appeal. (LBeh,) (Entered: 10/06/2005)
10/13/2005	<u>405</u>	NOTICE OF CROSS APPEAL by Nissan North America, Incorporated and Calsonic Kansei Corporation re <u>246</u> , <u>272</u> , <u>402</u> and <u>302</u> . Receipt No: 532630 - Fee: \$ 255 - Fee Status: Fee Paid. (LBeh,) (Entered: 10/20/2005)
10/20/2005	<u>406</u>	Certificate of Service re 405 Federal Circuit Notice of Appeal. (LBeh,) (Entered: 10/20/2005)
10/24/2005	<u>407</u>	Acknowledgment by FC of Receipt of <u>403</u> Federal Circuit Notice of Appeal filed by Automotive Technologies International. [Appeal Case Number 06-1013] (LBeh,) (Entered: 10/25/2005)
11/04/2005	<u>408</u>	Acknowledgment by FC of Receipt of <u>405</u> Federal Circuit Notice of Appeal filed by Nissan North America, Incorporated and Calsonic Kansei Corporation. [Appeal Case Number 06-1037] (LBeh,) (Entered: 11/04/2005)
11/04/2005	<u>409</u>	NOTICE of docketing re <u>405</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 11/04/2005)

TAB E

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:04-cv-72035-RHC-RSW**

Automotive Technologies International,
Incorporated v. Delphi Automotive Systems
Corporation et al
Assigned to: Honorable Robert H Cleland
Referred to: Honorable R. Steven Whalen
Cause: No cause code entered

Date Filed: 04/30/2004
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Automotive Technologies
International, Incorporated**
a Delaware Corporation

represented by **Andrew Kochanowski**
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V.

Defendant

**Delphi Automotive Systems
Corporation**
a Delaware corporation

represented by **William Cosnowski, Jr.**
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248-594-0600
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william.cosnowski.jr@delphi.com
ATTORNEY TO BE NOTICED

Defendant

**Denso International America,
Incorporated**
a Delaware Corporation

Defendant

**Siemens VDO Automotive,
Incorporated**
a Delaware corporation

Defendant

TK Electronics, Incorporated
a Delaware corporation

Defendant

Calsonic Kansei Corporation
a Japanese corporation

represented by **Jeffrey S. Kopp**
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Defendant

**TRW Automotive Holdings
Corporation**
a Delaware corporation
TERMINATED: 06/29/2004

Defendant

TRW Automotive U. S., L. L. C. represented by **Kathleen A. Lang**
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Counter Claimant

**Delphi Automotive Systems
Corporation** represented by **William Cosnowski, Jr.**
a Delaware corporation (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**
a Delaware Corporation

Counter Claimant

Siemens VDO Automotive, represented by **Kenneth A. Gallo**

Incorporated
a Delaware corporation

Clifford Chance
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212-878-8000
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ATTORNEY TO BE NOTICED

Counter Claimant

**TRW Automotive Holdings
Corporation**
a Delaware corporation

represented by **Kenneth A. Gallo**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark W. Rueh
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**
a Delaware Corporation

Counter Claimant

TK Electronics, Incorporated
a Delaware corporation

represented by **Jenice C. Mitchell**
Foley & Lardner (Detroit)
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313-234-7100
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**
a Delaware Corporation

Counter Claimant

Calsonic Kansei Corporation
a Japanese corporation

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**
a Delaware Corporation

Date Filed	#	Docket Text
04/30/2004	<u>1</u>	COMPLAINT filed by Automotive Technologies International, Incorporated against Calsonic Kansei Corporation, Delphi Automotive Systems Corporation, Denso International America, Incorporated, Siemens VDO Automotive, Incorporated, TK Electronics Incorporated and TRW Automotive Holdings Corporation - Receipt No. 507011.(LBar,) Additional attachment(s) added on 5/3/2004 (LBar,) (Entered: 05/03/2004)
05/04/2004	<u>2</u>	SUMMONS Returned Executed. TRW Automotive Holdings

02/15/2005	<u>42</u>	BRIEF in Support re <u>31</u> Markman Brief,, <u>32</u> Markman Brief, <u>36</u> Memorandum filed by all plaintiffs. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit D)(Kochanowski, Andrew) (Entered: 02/15/2005)
02/15/2005	<u>43</u>	BRIEF in Support re <u>28</u> Statement,, <u>42</u> Brief in Support of Response <i>regarding claim construction</i> filed by Delphi Automotive Systems Corporation. (Attachments: # <u>1</u> Exhibit Breed deposition transcript excerpt)(Patel, Binal) (Entered: 02/15/2005)
02/15/2005	<u>44</u>	MARKMAN BRIEF by TRW Automotive Holdings Corporation, Siemens VDO Automotive, Incorporated, TRW Automotive Holdings Corporation, TK Electronics, Incorporated, TRW Automotive U. S., L. L. C., Denso International America, Incorporated, Siemens VDO Automotive, Incorporated, TK Electronics, Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit #5 and #6# <u>3</u> Document Continuation Certificate of Service)(Lang, Kathleen) (Entered: 02/15/2005)
02/15/2005	<u>45</u>	MEMORANDUM <i>Opposition Brief to ATI's Claim Construction Brief</i> by Calsonic Kansei Corporation.(VanOphem, John) (Entered: 02/15/2005)
02/16/2005	<u>46</u>	EXHIBIT 5 to opposition brief to ATI's claim construction brief by joint defendants, filed by TRW Automotive Holdings Corporation, TRW Automotive U. S., L. L. C.. FILED UNDER SEAL(KGeha,) (Entered: 02/17/2005)
05/10/2005	<u>47</u>	ORDER adjourning Markman Hearing to 9/14/05 at 2:00 pm. Signed by Honorable Robert H Cleland. (LTee,) (Entered: 05/10/2005)
05/12/2005	<u>48</u>	MARKMAN BRIEF by Calsonic Kansei Corporation. (Attachments: # <u>1</u> Exhibit A - case opinion)(VanOphem, John) (Entered: 05/12/2005)
07/12/2005	<u>49</u>	NOTICE of Change of Attorney Information by Automotive Technologies International, Incorporated. (Kochanowski, Andrew) (Entered: 07/12/2005)
09/09/2005	<u>50</u>	STIPULATION AND ORDER staying case. Signed by Honorable Robert H Cleland. (KGeha,) (Entered: 09/12/2005)
10/17/2005	<u>51</u>	NOTICE by Delphi Automotive Systems Corporation of <i>Operation of Automatic Stay</i> (Cosnowski, William) (Entered: 10/17/2005)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, a Delaware
corporation,

Plaintiff,

v.

DELPHI AUTOMOTIVE SYSTEMS
CORPORATION, et al.

Defendants.

Case No. 04-72035 DT

HON. ROBERT H. CLELAND

**DEFENDANT'S SUGGESTION OF BANKRUPTCY
AND NOTICE OF OPERATION OF AUTOMATIC STAY**

**TO: CLERK
ALL COUNSEL OF RECORD**

PLEASE BE ADVISED that on October 8, 2005, Delphi Corporation (f/k/a Delphi Automotive Systems Corporation) (the "Debtor"), defendant in this action, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330, as amended (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"), Case No. 05-44481 (RDD) (Jointly Administered). As a result of the filing, any further action against the Debtor is stayed under section 362(a) of the Bankruptcy Code.

PLEASE BE FURTHER ADVISED that any action taken against the Debtor or its property without first obtaining relief from the automatic stay from the Bankruptcy Court may be

subject to findings of contempt and the assessment by the Bankruptcy Court of penalties, fines, and/or sanction, as may be appropriate.

Dated: October 17, 2005

Respectfully submitted,

By: s/William Cosnowski, Jr.
William Cosnowski Jr. (P57517)
5825 Delphi Drive, M/C 480-410-254
Troy, MI 48098-2815
(248) 813-3309 / fax (248) 813-1122

Counsel for Defendant Delphi Corporation

Certificate of Service

I hereby certify that on October 17, 2005, I electronically filed the foregoing Notice of Automatic Stay with the Clerk of the Court using the ECF system, which will send notification of such filing to the following persons: Michael H. Baniak, Andrew Kochanowski, Jeffrey S. Kopp, Kathleen A. Lang, Jenice C. Mitchell, Jeffrey A. Pine and John A. VanOphem.

I further certify that I have served a paper copy of the foregoing document, via first class mail, to the following:

Kenneth A. Gallo
Paul, Weiss, Rifkind, Wharton & Garrison, LLP
1615 L. Street NW
Washington, DC 20036-5694

Mark W. Rueh
Clifford Chance
200 Park Avenue
New York, NY 10166-0153

John R. Trentacosta
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500 Woodward Avenue, Ste. 2700
Detroit, MI 48226-3489

By: s/William Cosnowski, Jr.
William Cosnowski Jr. (P57517)
5825 Delphi Drive, M/C 480-410-254
Troy, MI 48098-2815
(248) 813-3309 / fax (248) 813-1122

TAB F
(PART 1 OF 2)

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:02-cv-73572-NGE**

Auto Tech Intl Inc v. TRW Vehicle Safety, et al
Assigned to: Honorable Nancy G Edmunds
Demand: \$0

Date Filed: 09/06/2002
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Automotive Technologies
International, Incorporated**

represented by **Andrew Kochanowski**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

TRW Automotive U. S., L. L. C.
TERMINATED: 02/06/2003

Defendant

**TRW Vehicle Safety Systems
Incorporated**

represented by **Frank P. Porcelli**
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Ricardo J. Lara, Jr.

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ATTORNEY TO BE NOTICED

V.

Movant

Autoliv, Incorporated

represented by **Brian H. Phinney**
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LEAD ATTORNEY
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Movant

Pontus Soderstrom

represented by **Brian H. Phinney**
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ATTORNEY TO BE NOTICED

Richard S. Baron
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**TRW Vehicle Safety Systems
Incorporated**

represented by **William A. Sankbeil**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred K. Herrmann
(See above for address)
ATTORNEY TO BE NOTICED

Frank P. Porcelli
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey A. Pine
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael H. Baniak
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/06/2002	<u>1</u>	COMPLAINT with jury demand - Receipt # 443816 - Date Fee Received: 09/06/02 (dp) (Entered: 09/10/2002)
12/18/2002	2	SUMMONS returned executed by process server on 12/17/02 - answer due 1/6/03 for TRW Inc (kg) (Entered: 12/18/2002)
01/07/2003	<u>3</u>	ORDER by Judge Nancy G. Edmunds with stipulation, setting deadline for answer to complaint [1-1] for 2/5/03 [EOD Date:

		1/8/03] (kg) (Entered: 01/08/2003)
02/06/2003	<u>4</u>	ORDER by Judge Nancy G. Edmunds with stipulation, for substitution of TRW Vehicle Safety Systems, Inc. in place of defendant TRW, Inc. , setting deadline for answer to complaint [1-1] for 2/14/03 [EOD Date: 2/7/03] (nh) (Entered: 02/07/2003)
02/14/2003	<u>5</u>	ANSWER by defendant TRW Vehicle Safety to complaint [1-1] with proof of service (kg) (Entered: 02/20/2003)
02/14/2003	5	AFFIRMATIVE defenses by defendant TRW Vehicle Safety (kg) (Entered: 02/20/2003)
02/14/2003	5	COUNTERCLAIM by defendant TRW Vehicle Safety against plaintiff Auto Tech Intl Inc, with proof of service (kg) (Entered: 02/20/2003)
02/19/2003	<u>6</u>	ANSWER by plaintiff Auto Tech Intl Inc to affirmative defenses by TRW Vehicle Safety [5-1] with proof of service (kg) (Entered: 02/24/2003)
02/19/2003	6	ANSWER by Auto Tech Intl Inc to counter claim by TRW Vehicle Safety [5-1] with proof of service (kg) (Entered: 02/24/2003)
03/27/2003	7	NOTICE by the court of setting scheduling conference for 2:00 4/21/03 with proof of service (nh) (Entered: 03/31/2003)
04/22/2003	<u>8</u>	SCHEDULING order by Judge Nancy G. Edmunds - setting deadline for discovery for 6/20/03 , setting deadline for witness list for 6/30/03 , setting civil status conference for 2:00 8/25/03 with proof of service (nh) (Entered: 04/23/2003)
06/27/2003	<u>9</u>	SUBSTITUTION for TRW Vehicle Safety, with stipulated order by Judge Edmunds, of attorney Frank P. Porcelli and Steven Katz (Fish & Richardson, PC) in place of Robert C. Kahrl and Timothy J. O'Hearn (Jones Day) (jg) (Entered: 06/30/2003)
06/30/2003	10	WITNESS list by Auto Tech Intl Inc for Markman hearing; proof of service (jg) (Entered: 07/01/2003)
07/22/2003	<u>11</u>	MOTION by TRW Vehicle Safety for an extension of the August 1, 2003 briefing deadline and subsequent Markman deadlines with brief, attachments A-E and proof of service (LS) (Entered: 07/23/2003)
07/30/2003	<u>12</u>	ORDER by Judge Nancy G. Edmunds granting motion for an extension of the August 1, 2003 briefing deadline and

		subsequent Markman deadlines by TRW Vehicle Safety [11-1], setting civil status conference for 2:00 on 10/20/03 and setting Markman hearing for 9:30 on 11/17/03 [EOD Date 7/31/03] (kg) (Entered: 07/31/2003)
08/12/2003	<u>13</u>	MOTION by TRW Vehicle Safety to compel interrogatory responses and the production of documents ; with brief, attachments 1-8 and proof of service (dp) (Entered: 08/13/2003)
08/19/2003	<u>14</u>	ORDER by Judge Nancy G. Edmunds amending order [12-1] [12-2] [12-3] and re-setting civil status conference for 2:00 p.m. on 11/4/03 ; with proof of service (see order for all listed deadlines) [EOD Date 8/20/03] (dp) (Entered: 08/20/2003)
08/21/2003	<u>15</u>	ORDER by Judge Nancy G. Edmunds referring motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] to Magistrate Judge Donald A. Scheer for hearing and determination ; with proof of service [EOD Date 8/22/03] (dp) (Entered: 08/22/2003)
08/22/2003	<u>16</u>	NOTICE by Magistrate Judge Donald A. Scheer's chambers setting hearing on motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] for 2:00 p.m. on 9/18/03 and setting deadline for filing of joint list of unresloved issues pertaining to motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] for 12:00 p.m. on 9/16/03 ; with proof of service (dp) (Entered: 08/25/2003)
08/27/2003	<u>17</u>	RESPONSE by plaintiff Auto Tech Intl Inc to motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1]; with attachments A-F and proof of service (dp) (Entered: 08/28/2003)
09/10/2003	<u>18</u>	EMERGENCY motion by plaintiff/counter-defendant Auto Tech Intl Inc to bar defendant TRW Vehicle Systems, Inc. from taking a claim interpretation position in the 'Markman' hearing for failure to disclose its position in discovery or for other relief with brief, exhibits A-F and proof of service (nh) (Entered: 09/11/2003)
09/10/2003	<u>19</u>	MOTION by defendant/counter-claimant TRW Vehicle Safety to compel the deposition of David S. Breed with brief, exhibits 1-7 and proof of service (nh) (Entered: 09/11/2003)
09/11/2003	<u>20</u>	REPLY by defendant/counter-claimant TRW Vehicle Safety to response to motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] with

TAB F
(PART 2 OF 2)

		proof of service (nh) (Entered: 09/12/2003)
09/11/2003	<u>21</u>	ORDER by Judge Nancy G. Edmunds, referring motion to compel the deposition of David S. Breed by TRW Vehicle Safety, TRW Vehicle Safety [19-1] and motion to bar defendant TRW Vehicle Systems, Inc. from taking a claim interpretation position in the 'Markman' hearing for failure to disclose its position in discovery or for other relief by Auto Tech Intl Inc, Auto Tech Intl Inc [18-1] to Magistrate Judge Donald A. Scheer , for hearing and determination , setting hearing on motion to bar defendant TRW Vehicle Systems, Inc. from taking a claim interpretation position in the 'Markman' hearing for failure to disclose its position in discovery or for other relief by Auto Tech Intl Inc, Auto Tech Intl Inc [18-1] and motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] for 9/18/03 at 2:00 , setting deadline for statement of issues in motion to bar defendant TRW Vehicle Systems, Inc. from taking a claim position in the 'Markman' hearing for failure to disclose its position in discovery or for other relief by Auto Tech Intl Inc, Auto Tech Intl Inc [18-1], motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] for 2:00 9/18/03 with proof of service [EOD Date 9/12/03] (nh) (Entered: 09/12/2003)
09/17/2003	<u>22</u>	RESPONSE by Auto Tech Intl Inc to motion to compel the deposition of David S. Breed by TRW Vehicle Safety, TRW Vehicle Safety [19-1]; with proof of service (jg) (Entered: 09/18/2003)
09/24/2003	<u>23</u>	ORDER amending scheduling order by Judge Nancy G. Edmunds, amending scheduling order [12-1] , setting civil status conference for 2:00 2/17/04 (see order for details) with proof of service [EOD Date 9/25/03] (nh) (Entered: 09/25/2003)
09/25/2003	<u>24</u>	ORDER by Magistrate Judge Donald A. Scheer granting motion to compel interrogatory responses and the production of documents by TRW Vehicle Safety [13-1] [EOD Date 9/26/03] (nh) (Entered: 09/26/2003)
09/25/2003	<u>25</u>	ORDER by Magistrate Judge Donald A. Scheer denying motion to bar defendant TRW Vehicle Systems, Inc. from taking a claim interpretation position in the 'Markman' hearing for failure to disclose its position in discovery or for other relief by Auto Tech Intl Inc, Auto Tech Intl Inc [18-1] [EOD Date 9/26/03] (nh) (Entered: 09/26/2003)
09/25/2003	<u>26</u>	ORDER by Magistrate Judge Donald A. Scheer granting motion

		to compel the deposition of David S. Breed by TRW Vehicle Safety, TRW Vehicle Safety [19-1] [EOD Date 9/26/03] (nh) (Entered: 09/26/2003)
10/23/2003	<u>27</u>	ORDER by Judge Nancy G. Edmunds with stipulation, governing the protection and exchange of confidential material [EOD Date: 10/24/03] (lg) (Entered: 10/24/2003)
11/05/2003	28	TRANSCRIPT taken on 9/18/03 of motion hearing (lg) (Entered: 11/06/2003)
11/26/2003	29	DECLARATION of Dr. Tushar K. Ghosh in support of defendant TRW's proposed claim construction statement (lg) (Entered: 12/01/2003)
11/26/2003	30	PROPOSED CLAIM STATEMENT by TRW Vehicle Safety with attachments [EOD Date: 12/1/03] (lg) (Entered: 12/01/2003)
11/26/2003	31	PROOF of service by TRW Vehicle Safety of [30-1], [29-1] (lg) (Entered: 12/01/2003)
11/26/2003	32	MEMORANDUM by Automotive Tech Intl in support of statement [30-1] (lg) (Entered: 12/01/2003)
11/26/2003	<u>33</u>	EXPARTE motion by Auto Tech Intl Inc for leave to file its memorandum in excess of 20 pages with brief (lg) (Entered: 12/01/2003)
11/26/2003	<u>34</u>	ORDER by Judge Nancy G. Edmunds granting motion for leave to file its memorandum in excess of 20 pages by Auto Tech Intl Inc [33-1] [EOD Date 12/1/03] (lg) (Entered: 12/01/2003)
12/17/2003	<u>35</u>	MOTION by Auto Tech Intl Inc to strike references to the accused devices and declaration of Dr, Tushar K. Ghosh with brief, notice of hearing, and proof of service (lg) (Entered: 12/18/2003)
12/17/2003	36	ANSWER (response) by TRW Vehicle Safety to ATI's proposed claim construction statement with proof of service (lg) (Entered: 12/19/2003)
12/29/2003	<u>37</u>	RESPONSE by TRW Vehicle Safety to motion to strike references to the accused devices and declaration of Dr, Tushar K. Ghosh by Auto Tech Intl Inc [35-1] with proof of service (lg) (Entered: 12/31/2003)
01/08/2004	<u>38</u>	REPLY (memorandum in support) by Auto Tech Intl Inc to response to motion to strike references to the accused devices and declaration of Dr, Tushar K. Ghosh by Auto Tech Intl Inc

		[35-1] with proof of service (lg) (Entered: 01/09/2004)
01/09/2004	<u>39</u>	JOINT CLAIM construction statement [EOD Date: 1/12/04] (lg) (Entered: 01/12/2004)
03/04/2004	<u>40</u>	ORDER referring to Special Master Signed by Judge Nancy G Edmunds. (PPaul,) (Entered: 03/19/2004)
03/04/2004	<u>41</u>	AFFIDAVIT of John R. Thomas (PPaul,) (Entered: 03/19/2004)
06/18/2004	<u>42</u>	REPORT AND RECOMMENDATION of Special Master re claim construction pursuant to Markman v. Westview Instruments, 52 F.3d 967 (Fed.Cir.1995), aff'd, 517 U.S. 370 (1996). Objections to R&R due by 6/28/2004 Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 06/18/2004)
07/02/2004	<u>43</u>	OBJECTIONS to <u>42</u> REPORT AND RECOMMENDATION of Special Master re <u>1</u> Complaint, and <u>5</u> Counterclaim filed by TRW Vehicle Safety Systems Incorporated. (JGilb,) (Entered: 07/07/2004)
07/13/2004	<u>44</u>	ORDER REFERRING MOTION to Special Master John Thomas: MOTION to Modify <u>42</u> REPORT AND RECOMMENDATION of Special Master filed by TRW Vehicle Safety Systems Incorporated - Signed by Honorable Nancy G Edmunds. (See Document <u>43</u> for image of motion)(JGilb,) (Entered: 07/14/2004)
07/19/2004	<u>45</u>	SUPPLEMENTAL REPORT AND RECOMMENDATION of Special Master re <u>42</u> REPORT AND RECOMMENDATION of Special Master re <u>1</u> Complaint, <u>5</u> Counterclaim filed by TRW Vehicle Safety Systems Incorporated Signed by John Thomas, Special Master. (CHem,) (Entered: 07/19/2004)
07/29/2004	<u>46</u>	OBJECTIONS to <u>45</u> SUPPLEMENTAL REPORT AND RECOMMENDATION of Special Master by TRW Vehicle Safety Systems Incorporated. (JGilb,) (Entered: 08/02/2004)
08/04/2004	<u>47</u>	ORDER Adopting Report and Recommendation for Motion for Miscellaneous Relief filed by TRW Vehicle Safety Systems Incorporated, <u>45</u> Report and Recommendation - Special Master, <u>42</u> Report and Recommendation - Special Master,, <u>35</u> Motion to Strike filed by Automotive Technologies International, Incorporated is DENIED. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 08/04/2004)
01/28/2005	<u>48</u>	NOTICE TO APPEAR: Telephonic Status Conference set for 3/17/2005 02:30 PM before Honorable Nancy G Edmunds.

		(CHem,) (Entered: 01/28/2005)
04/04/2005	<u>49</u>	SCHEDULING ORDER: Dispositive Motion Cut-off on Liability set for 10/31/2005, All Fact Discovery and Expert Reports on Liability due by 9/30/2005. Signed by Honorable Nancy G Edmunds. (Refer to image for additional dates)(CHem,) (Entered: 04/04/2005)
06/24/2005	<u>50</u>	Second MOTION to Compel <i>Interrogatory Responses</i> by TRW Vehicle Safety Systems Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit 1 - TRW's First Set of Interrogatories to Automotive Technologies# <u>3</u> Exhibit 2 - Plaintiff's Responses to TRW First Set of Interrogatories# <u>4</u> Exhibit 3 - April 1, 2005 Correspondence from Steven Katz# <u>5</u> Exhibit 4 - TRW Third Interrogatories to Automotive Technologies# <u>6</u> Exhibit 5 - May 26, 2005 Correspondence from Steven Katz# <u>7</u> Exhibit 6 - May 31, 2005 Correspondence from Jeffrey Pine# <u>8</u> Exhibit 7 - June 9, 2005 Correspondence from Steven Katz)(Herrmann, Fred) (Entered: 06/24/2005)
06/24/2005	<u>51</u>	ORDER REFERRING MOTION to Magistrate Judge Scheer: <u>50</u> Second MOTION to Compel <i>Interrogatory Responses</i> filed by TRW Vehicle Safety Systems Incorporated,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 06/24/2005)
07/11/2005	<u>52</u>	NOTICE of hearing on <u>50</u> Second MOTION to Compel <i>Interrogatory Responses</i> . Resolved/Unresolved Issues due by 7/29/2005. Motion Hearing set for 8/2/2005 02:00 PM before Honorable Donald A Scheer. (MLan,) (Entered: 07/11/2005)
07/12/2005	<u>53</u>	NOTICE of Change of Attorney Information by Automotive Technologies International, Incorporated. (Kochanowski, Andrew) (Entered: 07/12/2005)
08/09/2005	<u>54</u>	ORDER granting in part and denying in part <u>50</u> Second Motion to Compel- Signed by Honorable Donald A Scheer. (RHutc,) (Entered: 08/10/2005)
09/16/2005	<u>55</u>	Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated. (Attachments: # <u>1</u> Index of Exhibits (Exhibits Filed Under Seal)(Herrmann, Fred) (Entered: 09/16/2005)
09/16/2005	<u>56</u>	EXHIBIT No. 1 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)
09/16/2005	<u>57</u>	EXHIBIT No. 2 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)

09/16/2005	<u>58</u>	EXHIBIT No. 3 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)
09/16/2005	<u>59</u>	EXHIBIT No. 4 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)
09/16/2005	<u>60</u>	EXHIBIT No. 5 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)
09/16/2005	<u>61</u>	EXHIBIT No. 6 re <u>55</u> Third MOTION to Compel by TRW Vehicle Safety Systems Incorporated (Filed Under Seal). (LHack,) (Entered: 09/19/2005)
09/20/2005	<u>62</u>	ORDER REFERRING MOTION to Magistrate Judge Scheer: <u>55</u> Third MOTION to Compel filed by TRW Vehicle Safety Systems Incorporated,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 09/20/2005)
10/04/2005	<u>63</u>	NOTICE of hearing on <u>55</u> Third MOTION to Compel. Resolved/Unresolved Issues due by 10/18/2005. Motion Hearing set for 10/20/2005 02:00 PM before Honorable Nancy G Edmunds. (MLan,) (Entered: 10/04/2005)
10/05/2005	<u>66</u>	STIPULATION AND ORDER Adjourning Discovery and other Deadlines Signed by Honorable Nancy G Edmunds. (RHute,) (Entered: 10/07/2005)
10/06/2005	<u>64</u>	MOTION for Order to Show Cause <i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> by Automotive Technologies International, Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit 1# <u>3</u> Exhibit 2)(Kochanowski, Andrew) (Entered: 10/06/2005)
10/06/2005	<u>65</u>	NOTICE by Automotive Technologies International, Incorporated re <u>64</u> MOTION for Order to Show Cause <i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> (Kochanowski, Andrew) (Entered: 10/06/2005)
10/12/2005	<u>67</u>	ORDER REFERRING MOTION to Magistrate Judge Scheer: <u>64</u> MOTION for Order to Show Cause <i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> filed by Automotive Technologies International, Incorporated,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 10/12/2005)

10/17/2005	<u>68</u>	NOTICE of hearing on <u>64</u> MOTION for Order to Show Cause <i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> . Resolved/Unresolved Issues due by 10/28/2005. Motion Hearing set for 11/1/2005 02:00 PM before Honorable Donald A Scheer. (MLan,) (Entered: 10/17/2005)
10/17/2005	<u>69</u>	CERTIFICATE OF SERVICE by Automotive Technologies International, Incorporated re <u>68</u> Notice of Hearing on Motion,. (Kochanowski, Andrew) (Entered: 10/17/2005)
10/18/2005	<u>70</u>	RESPONSE to <u>55</u> Third MOTION to Compel filed by Automotive Technologies International, Incorporated. (Kochanowski, Andrew) (Entered: 10/18/2005)
10/18/2005	<u>71</u>	ATTORNEY APPEARANCE: Brian H. Phinney, Richard S. Baron appearing on behalf of Autoliv, Incorporated, Pontus Soderstrom.(NHoll,) (Entered: 10/19/2005)
10/18/2005	<u>72</u>	MOTION to Quash Subpoenas and/or for Protective Order by Autoliv, Incorporated, Pontus Soderstrom. (Attachments: # <u>1</u> Document Continuation)(NHoll,) (Entered: 10/19/2005)
10/21/2005	<u>73</u>	ORDER REFERRING MOTION to Magistrate Judge Scheer: <u>72</u> MOTION to Quash MOTION for Protective Order filed by Autoliv, Incorporated,, Pontus Soderstrom,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 10/21/2005)
10/21/2005	<u>74</u>	RESPONSE to <u>64</u> MOTION for Order to Show Cause <i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> filed by Autoliv, Incorporated, Pontus Soderstrom. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit)(Phinney, Brian) (Entered: 10/21/2005)
10/27/2005	<u>75</u>	MEMORANDUM <i>Supplemental Brief Concerning Waiver of Attorney-Client Privilege</i> by Automotive Technologies International, Incorporated.(Kochanowski, Andrew) (Entered: 10/27/2005)
10/27/2005	<u>76</u>	SUPPLEMENTAL BRIEF re <u>55</u> Third MOTION to Compel filed by TRW Vehicle Safety Systems Incorporated, TRW Vehicle Safety Systems Incorporated. (Herrmann, Fred) (Entered: 10/27/2005)
10/28/2005	<u>80</u>	RESPONSE by Automotive Technologies International, Incorporated to <u>72</u> MOTION to Quash MOTION for Protective Order . (KWil,) (Entered: 11/02/2005)
10/31/2005	<u>77</u>	REPLY to Response re <u>64</u> MOTION for Order to Show Cause

		<i>and To Compel Autoliv, Inc. and Pontus Soderstrom's Compliance with Subpoenas Dated September 16, 2005</i> filed by Automotive Technologies International, Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit 1 Declaration of Apscl# <u>3</u> Exhibit 2-page from 1995 Annual Report)(Kochanowski, Andrew) (Entered: 10/31/2005)
10/31/2005	<u>78</u>	REPLY to Response re <u>72</u> MOTION to Quash MOTION for Protective Order filed by Autoliv, Incorporated, Pontus Soderstrom. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit 1 - Affidavit of Deloria Karwaczynski)(Phinney, Brian) (Entered: 10/31/2005)
11/02/2005	<u>79</u>	NOTICE of hearing on <u>72</u> MOTION to Quash MOTION for Protective Order. Resolved/Unresolved Issues due by 11/18/2005. Motion Hearing set for 11/22/2005 02:00 PM before Honorable Donald A Scheer. (MLan,) (Entered: 11/02/2005)
11/02/2005	<u>81</u>	ORDER granting in part and denying in part <u>55</u> Motion to Compel- Signed by Honorable Donald A Scheer. (MLan,) (Entered: 11/02/2005)
11/15/2005	<u>82</u>	MOTION for Summary Judgment <i>of Invalidity</i> by TRW Vehicle Safety Systems Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit A - U.S. Patent No. 5524,924# <u>3</u> Exhibit B - U.S. Patent No. 6,250,668# <u>4</u> Exhibit C - August 22, 2005 Portions of Deposition Transcript of David S. Breed, Ph.D.# <u>5</u> Exhibit D - ATI's Response to TRW's First Set of Requests for Admission# <u>6</u> Exhibit E - Filed Under Seal# <u>7</u> Exhibit F - September 30, 2005 - Portions of Deposition Transcript of David S. Breed,, Ph.D.# <u>8</u> Exhibit G - U.K. Patent Application No. GB 2297950# <u>9</u> Exhibit H - September 15, 2005 Deposition Transcript of Autoliv's Representative, Pontus Soderstrom# <u>10</u> Exhibit I -# <u>11</u> Exhibit J - U.S. Patent No. 5,772,238# <u>12</u> Exhibit K - U.S. Patent No. 4,963,412# <u>13</u> Exhibit L - November 4, 2005 Rebuttal of Expert Report of Hal Watson# <u>14</u> Exhibit M - Claim Chart# <u>15</u> Index of Exhibits N - U.S. Patent No. 4,944,529# <u>16</u> Exhibit O - Amendment to U.S. 6,250,668 File History# <u>17</u> Exhibit P - U.S. Patent No. 5,788,270# <u>18</u> Exhibit Q - Chronology of Key Dates# <u>19</u> Exhibit R - Comparison Chart)(Lara, Ricardo) (Entered: 11/15/2005)
11/15/2005	<u>83</u>	MOTION for Summary Judgment <i>of Non-Infringement</i> by TRW Vehicle Safety Systems Incorporated. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit A - U.S. Patent No. 5,505,485, File

		Thomas on March 16, 2006 REPORT by Automotive Technologies International, Incorporated.(Baniak, Michael) (Entered: 03/23/2006)
03/28/2006	<u>164</u>	POWERPOINT Slides by Automotive Technologies International, Incorporated from 3/16/06 Summary Judgment Hearing... [FILED UNDER SEAL-PLACED IN VAULT](JJoh,) (Entered: 03/28/2006)
03/28/2006	<u>165</u>	EXHIBIT(filed under seal) re <u>122</u> MOTION in Limine <i>to Exclude Evidence Regarding the Alleged Prior Art "Autoliv" and "TRW" Devices</i> by Automotive Technologies International, Incorporated (PPaul,) (Entered: 03/29/2006)
03/28/2006	<u>166</u>	Powerpoint Slides(filed under seal) regarding Motion for Summary Judgment of Non-Infringement by Automotive Technologies International, Incorporated (PPaul,) (Entered: 03/29/2006)
03/28/2006	<u>167</u>	POWERPOINT Slides(filed under seal) regarding Motion for Summary Judgment of Invalidity by Automotive Technologies International, Incorporated (PPaul,) (Entered: 03/29/2006)
03/28/2006	<u>168</u>	POWERPOINT Slides(filed under seal) regarding Motion in Limine to exclude evidence regarding the alleged prior Art "Autoliv" and "TRW" Devices by Automotive Technologies International, Incorporated (PPaul,) (Entered: 03/29/2006)
03/28/2006	<u>169</u>	POWERPOINT Slides(filed under seal) regarding Motion for Summary Judgment of Invalidity by Automotive Technologies International, Incorporated (PPaul,) (Entered: 03/29/2006)
03/28/2006	<u>170</u>	CERTIFICATE OF SERVICE by Automotive Technologies International, Incorporated re <u>168</u> Exhibit, <u>167</u> Exhibit, <u>166</u> Exhibit. (PPaul,) (Entered: 03/29/2006)

TAB G

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:03-cv-71368-LPZ**

Auto Tech Intl Inc v. Delphi Corp
Assigned to: Judge Lawrence P Zatkoff
Demand: \$0

Date Filed: 04/04/2003
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Automotive Technologies
International, Incorporated**

represented by **Andrew Kochanowski**
Sommers, Schwartz,
2000 Town Center
Suite 900
Southfield, MI 48075-1100
248-255-0300
Email:
akochanowski@sommerspc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Delphi Corporation

represented by **Bradley J. Diedrich**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Delphi Corporation

represented by **Bradley J. Diedrich**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glenn E. Forbis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

R. Terrance Rader
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Automotive Technologies
International, Incorporated**

represented by **Andrew Kochanowski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/04/2003	<u>1</u>	COMPLAINT; jury demand - Receipt # 485453 - Date Fee Received: 4/04/03 (kb) (Entered: 04/15/2003)
04/09/2003	2	SUMMONS returned executed by process service on 4/8/03 - answer due 4/28/03 for Delphi Corp (kb) (Entered: 04/15/2003)

09/29/2004	<u>70</u>	OPINION AND ORDER dismissing plaintiff's complaint. Signed by Honorable Lawrence P Zatkoff. (Attachments: # <u>1</u> Document Continuation)(DPer,) (Entered: 09/30/2004)
09/29/2004	<u>71</u>	JUDGMENT dismissing plaintiff's complaint with prejudice. Signed by Honorable Lawrence P Zatkoff. (DPer,) (Entered: 09/30/2004)
10/11/2004	<u>72</u>	BILL OF COSTS by Delphi Corporation. (Attachments: # <u>1</u> Affidavit of Glenn E. Forbis in Support of Bill of Costs# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G)(Forbis, Glenn) (Entered: 10/11/2004)
10/26/2004	<u>74</u>	NOTICE OF APPEAL by Automotive Technologies International, Incorporated re <u>70</u> Memorandum Opinion & Order and <u>71</u> Judgment. Receipt No. 515944 - Fee Status: Fee Paid. (LBeh,) (Entered: 10/28/2004)
10/28/2004	<u>73</u>	Costs Taxed in amount of \$ 3,737.70 against plaintiff. (LBeh,) (Entered: 10/28/2004)
10/28/2004	<u>75</u>	Certificate of Service re <u>74</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 10/28/2004)
11/09/2004	<u>76</u>	Acknowledgment by FC of Receipt of <u>74</u> Federal Circuit Notice of Appeal filed by Automotive Technologies International, Incorporated. [Appeal Case Number 05-1060] (LBeh,) (Entered: 11/09/2004)
11/09/2004	<u>77</u>	NOTICE from FC of authorized abbreviated caption re <u>74</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 11/09/2004)
11/09/2004	<u>78</u>	NOTICE from FC of docketing re <u>74</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 11/09/2004)
11/12/2004	<u>79</u>	NOTICE OF CROSS APPEAL by Delphi Corporation re <u>70</u> Memorandum Opinion & Order and <u>71</u> Judgment. Receipt No. 516832 - Fee Status: Fee Paid. (LBeh,) (Entered: 11/16/2004)
11/16/2004	<u>80</u>	Certificate of Service re <u>79</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 11/16/2004)
11/30/2004	<u>81</u>	Acknowledgment by FC of Receipt of <u>79</u> Federal Circuit Notice of Appeal filed by Delphi Corporation. [Appeal Case Number 05-1090] (LBeh,) (Entered: 12/02/2004)
11/30/2004	<u>82</u>	NOTICE by FC of docketing re <u>79</u> Federal Circuit Notice of Appeal. [FC 05-1090] (LBeh,) (Entered: 12/02/2004)

11/30/2004	<u>83</u>	NOTICE by FC of authorized abbreviated caption re <u>79</u> Federal Circuit Notice of Appeal. (LBeh,) (Entered: 12/02/2004)
07/12/2005	<u>84</u>	NOTICE of Change of Attorney Information by Automotive Technologies International, Incorporated. (Kochanowski, Andrew) (Entered: 07/12/2005)

CLOSED _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

SEP 29 2004

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC., a Delaware
corporation,

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

Plaintiff,

v.

CASE NO. 03-71368
HON. LAWRENCE P. ZATKOFF

DELPHI CORPORATION, a Delaware
corporation,

Defendant.



JUDGMENT

IT IS ORDERED AND ADJUDGED that pursuant to the Court's Opinion and Order dated

SEP 29 2004, Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

Dated at Detroit, Michigan, this 29th day of September, 2004.

DAVID J. WEAVER
CLERK OF THE COURT

BY: Mari Verlinde

APPROVED:


LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

65

CLOSED _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

SEP 29 2004

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

v.

CASE NO. 03-71368
HON. LAWRENCE P. ZATKOFF

DELPHI CORPORATION, a Delaware
corporation,

Defendant.



OPINION AND ORDER

AT A SESSION of said Court, held in the United States Courthouse,
in the City of Detroit, State of Michigan, on

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on the following motions: (1) Plaintiff's Motion for Summary Judgment of Infringement; (2) Defendant's Motion for Partial Summary Judgment of Noninfringement of Claims 2 and 6-11 of U.S. Patent No. 6,442,504; (3) Defendant's Motion for Summary Judgment of Invalidity of Claims 1-11 of U.S. Patent No. 6,442,504 Under 35 U.S.C. §

102, and (4) Defendant's Motion for Partial Summary Judgment of Invalidity of Claims 8-11 of U.S. Patent No. 6,442,504 Under 35 U.S.C. § 112, ¶ 1. These motions are fully briefed. The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decisional process would not be significantly aided by oral argument. Therefore, pursuant to E.D. MICH. L.R. 7.1(e)(2), it is hereby ORDERED that the motions be resolved on the briefs submitted. For the reasons set forth below, all of the above motions will be GRANTED IN PART.

II. BACKGROUND

This is a patent infringement action in which Plaintiff Automotive Technologies International, Inc., asserts that Defendant Delphi Corporation's Passive Occupant Detection System, also known as "PODS-B," infringes U.S. Patent No. 6,442,504, (hereinafter "the '504 patent"). The '504 patent is held by Plaintiff and entitled "Apparatus And Method For Measuring Weight Of An Object In A Seat." Defendant maintains that its PODS-B system does not infringe any of the claims contained in the '504 patent and, furthermore, that the asserted claims of the '504 patent are invalid.

A. Facts

1. The '504 patent

The '504 patent is assigned to Plaintiff and was issued on August 27, 2002, to David S. Breed, Wilbur E. DuVall, and Jeffrey L. Morin. The '504 patent teaches the use of sensors within the cabin of a motor vehicle to determine certain morphological characteristics of motor vehicle occupants.¹ The specification of the '504 patent suggests that once these morphological

¹ The '504 patent specification states that "Morphological characteristics include the weight of the occupant, the height of the occupant measured from the seat, the length of the occupant's arms, the length of the occupant's legs, the occupant's head diameter and the

seated state detecting unit uses this information to determine, for example, that the occupant is a slouching adult with raised knees instead of a child facing rearward in a child seat. Accordingly, the Court finds that Defendant has not established by clear and convincing evidence that one skilled in the art would be unable to practice the inventions set forth in claims 10 and 11 without undue experimentation. Therefore, Defendant is not entitled to summary judgment of nonenablement with respect to claims 10 and 11.

D. Conclusion

Accordingly, the Court finds that Plaintiff is entitled to summary judgment of infringement with respect to claims 1-2 and 5-6. The Court also finds, however, that Defendant is entitled to summary judgment of non-infringement with respect to claims 4 and 7-11. Since the Court finds that claims 1-2 and 5-6 are invalid as anticipated by prior art, Defendant is entitled to summary judgment with respect to all of the asserted claims and Plaintiff's Complaint will be dismissed.

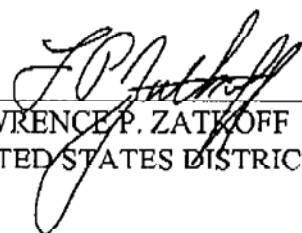
V. CONCLUSION

Therefore, for the reasons set forth above, Plaintiff's Motion for Summary Judgment of Infringement is hereby GRANTED IN PART: Plaintiff is entitled to summary judgment of infringement with respect to claims 1-2 and 5-6 only; (2) Defendant's Motion for Partial Summary Judgment of Noninfringement of Claims 2 and 6-11 of U.S. Patent No. 6,442,504 is hereby GRANTED IN PART: Defendant is entitled to summary judgment of noninfringement with respect to claims 4 and 7-11 only; (3) Defendant's Motion for Summary Judgment of Invalidity of Claims 1-11 of U.S. Patent No. 6,442,504 Under 35 U.S.C. § 102 is hereby GRANTED IN PART: Defendant is entitled to summary judgment of invalidity under 35 U.S.C. § 102 with respect to

claims 1-2, 4-8, and 11 only; and (4) Defendant's Motion for Partial Summary Judgment of Invalidity of Claims 8-11 of U.S. Patent No. 6,442,504 Under 35 U.S.C. § 112, ¶ 1 is hereby GRANTED IN PART; Defendant is entitled to summary judgment of invalidity under 35 U.S.C. § 112, ¶ 1, with respect to claim 9 only. Thus, asserted claims 3 and 10 are not invalid.

IT IS SO ORDERED.

Dated: **SEP 29 2004**


LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

PURSUANT TO RULE 77(d), FRCWP
COPIES HAVE BEEN MAILED TO:
Andrew Kochanowski
Michael Bariah
R. Terrance Wade
William Cosnowski
ON 9-29-04
Mari Verlinde
DEPUTY COURT CLERK

TAB H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,
a Delaware corporation,

Plaintiff,

v.

AMERICAN HONDA MOTOR COMPANY,
a California corporation,
ELESYS NORTH AMERICA, INC.,
a Georgia corporation, and
GENERAL MOTORS CORPORATION,
a Delaware corporation,

Defendants.

C.A. No. 06-187-GMS

DECLARATION OF PHILIP RITTMUELLER

I, Philip Rittmueller, hereby declare and state based upon my personal knowledge as follows:

1. I am a consultant to Elesys North America, Inc. ("Elesys"). I have been a consultant to Elesys since March 31, 2006. Prior to that time, I was employed by Elesys as its Vice President since October 1, 2002.

2. I understand that this lawsuit relates to the Elesys occupant detection systems sometimes known as the "Passenger Sensing System" ("the PSS product") and the "Occupant Detection System" ("the ODS product"). The PSS product and the ODS product are collectively referred to as "the accused products."

3. I am familiar with the development of the accused products for use in GM and Honda vehicles. The development work concerning the accused products for GM vehicles took place in the Eastern District of Michigan and Georgia. The development

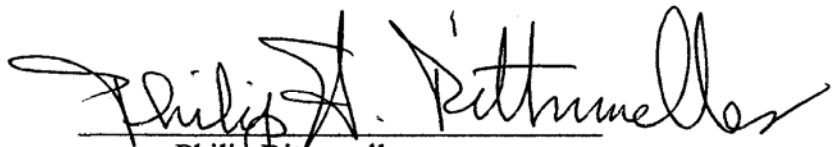
work concerning the accused products for Honda vehicles took place in the Eastern District of Michigan, Georgia, Ohio and Japan. In addition, all of the implementation work concerning the accused products for GM vehicles took place in the Eastern District of Michigan. A large portion of the implementation work concerning the accused products for Honda vehicles also took place in the Eastern District of Michigan. Also, several of the NEC-Japanese engineers who were involved in the implementation of the accused products into GM and Honda vehicles worked out of Elesys's Plymouth facility in the Eastern District of Michigan. No product development or implementation activities occurred in Delaware.

4. In March 2004, on behalf of Elesys, I participated in a meeting with David Breed with respect to some of the patents asserted by ATI in this case. That meeting took place at Elesys's Detroit Safety Center in Plymouth, Michigan.

5. I reside in St. Charles, Illinois. I frequently travel to the Eastern District of Michigan in connection with my consulting work for Elesys. For example, in the past several months, I have traveled to the Eastern District of Michigan on at least three separate occasions. The courthouse in the Eastern District of Michigan is approximately 320 miles from my home, whereas the courthouse in the District of Delaware is approximately 791 miles from my home. It would be more convenient for me to appear at a trial in the Eastern District of Michigan than one in the District of Delaware.

6. I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 26th day of June, 2006


Philip Rittmueller

TAB I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,
a Delaware corporation,

Plaintiff,

v.

AMERICAN HONDA MOTOR COMPANY,
a California corporation,
ELESYS NORTH AMERICA, INC.,
a Georgia corporation, and
GENERAL MOTORS CORPORATION,
a Delaware corporation,

Defendants.

C.A. No. 06-187-GMS

DECLARATION OF SCOTT BISHOP

I, Scott Bishop, hereby declare and state based upon my personal knowledge as follows:

1. I am employed by Elesys North America, Inc. ("Elesys") as a Systems Engineer. I have been employed by Elesys since 03/24/03. I work out of Elesys's Detroit Safety Center in Plymouth, Michigan.

2. On or about May 11, 2006, I took the photographs attached hereto. These photographs are of Automotive Technologies International's office space located at 2740 Auburn Road, Auburn Hills, Michigan.

3. I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 28th day of June, 2006



Scott Bishop





